

## PUBLIC ACCESS TO RECORDS

The following regulation is hereby enacted by the Deer Park Public Library Board of Trustees in accordance with Public Officers Law, Article 6, Sections 84 through 90, commonly known as the *Freedom of Information Law*, and hereinafter referred to as the "Law."

ARTICLE I: The Library Director, whose office is located at 44 Lake Avenue, Deer Park, New York, telephone number (631) 586-3000, is hereby designated as the Record Access Officer. The Records Access Officer is the person from whom those library records, memoranda, documents, or other written information required to be made available to the public by the Law may be obtained. In the absence of a Director of the Library facilities, the Assistant Director is so designated as the Public Access Officer.

ARTICLE II: Request for inspection or copies of such records as are required to be made available by the Law, as well as other applicable law may be made to the Library Director at the Director's office during the hours which the Library is regularly open for business. These hours shall ordinarily be Monday through Friday from 9 a.m. to 6 p.m.

ARTICLE III: Request to inspect records or to secure copies thereof shall be submitted to the Library Director by completion of a requisition form or letter.

- (a) The form shall contain the name and address of the requester, identification of the record, document or other data required, with as great a degree of clarity and specificity as may be practical.
- (b) In the event a copy of the particular document, record or other data is requested, a fee payable by cash, check or money order to the order of the Library shall be paid as follows:
  - i. 25 cents a page for photocopies not exceeding 9" x 14".
  - ii. Computer read-out and copies of records other than 9" x 14" or less in size shall be the actual cost excluding fixed agency costs such as salaries.
- (c) However, no fee will be charged for records sent via e-mail, the search for or inspection of records, certification of documents, or copies of documents which have been printed or reproduced for distribution to the public. No fee will be charged if an identical record has been prepared within the past six (6) months and an electronic copy is available, except for the actual cost of a storage device if one is provided in complying with the request. The number of such copies given to any one organization or individual may be limited, in the discretion of the Records Access Officer.
- (d) In determining the actual cost of reproducing a record, the Library may include only:
  - a. an amount equal to the hourly salary of the lowest paid Library employee who has the necessary skill required to prepare a copy of the requested record, but only where at least two hours is required;
  - b. the actual cost of the storage devices or media provided to the person making the request in complying with such request; and
  - c. the actual cost to the Library of engaging an outside professional service to prepare a copy of a record, but only when the Library's information technology equipment is inadequate to prepare a copy, if such service is used to prepare the copy; and
  - d. preparing a copy shall not include search time or administrative costs, and no fee shall be charged unless at least two hours of Library employee time is needed to prepare a copy of the record requested. A person requesting a record shall be informed of the estimated cost of preparing a copy of the record if more than two hours of a Library employee's time is needed, or if an outside professional service would be retained to prepare a copy of the record.

All fees shall be turned over to the Library Director.

ARTICLE IV: The Library Director shall maintain a register which shall include the date of requisition, the name and address of the requester and a description of the documents or records to be examined or copied, as well as the action taken by the Library Director in response to such requisition, and a notation of the fees received.

ARTICLE V: The Records Access Officer shall maintain a reasonable detailed current list, by subject matter, of all records in its possession, whether or not such records are available pursuant to Section 87 of the Public Officers Law, which list shall be sufficiently detailed to permit identification of the category of the records requested.

ARTICLE VI: The Library Director, as expeditiously as possible shall:

- a) The Records Access Officer, as expeditiously as possible, and within five (5) business days of a request for records, shall (1) make such record available to the person requesting it, (2) deny such request in writing, or (3) furnish a written acknowledgement of the receipt of such request and a statement of the approximate date, which shall be reasonable under the circumstances of the request, when such request will be granted or denied, including, where appropriate, a law. If the Records Access Officer determines to grant a request in whole or in part, and if circumstances prevent disclosure to the person requesting the record or records within twenty business days from the date of the acknowledgement of the receipt of the request, the Records Access Officer shall state, in writing, both the reason for the inability to grant the request within twenty business days and a date certain within a reasonable period, depending on the circumstances, when the request will be granted in whole or in part.
- b) If the records are in the possession of the Library, the records shall be available to the requestor for inspection.
- c) In the event that in the material or the records or documents requested a portion of such record or document is deemed by the Library Director to be excludable material as outlined in Article "VII" hereof, the Library Director is authorized and directed to delete such information from any copies made available to the requester, or to not make available for inspection the original of such record but only a copy of thereof having first deleted the unauthorized information.
- d) In the event the Library must disclose records responsive to a request for an employee's disciplinary records, the Library will notify the affected employee in writing at the time disclosure is being made.

ARTICLE VII: However, no record shall be made available for inspection or copying where, in the judgment of the Library Director, the disclosure of such records:

- (a) is specifically exempt from disclosure by state or federal statute;
- (b) is an unwarranted invasion of personal privacy, including:
  - i. disclosure of employment, medical or credit histories or personal references of applicants for employment;
  - ii. disclosure of items involving the medical or personal records of a client or patient in a medical facility;
  - iii. sale or release of lists of names and addresses if such lists would be used for commercial or fund-raising purposes;
  - iv. disclosure of information of a personal nature when disclosure would result in economic or personal hardship to the subject party and such information is not relevant to the work of the agency requesting or maintaining it;
  - v. disclosure of information of a personal nature reported in confidence to an agency and not relevant to the ordinary work of such agency; or information of a personal nature contained in a workers' compensation record, except as provided by section one hundred ten-a of the workers' compensation law.
  - vi. Unless otherwise provided by law, disclosure shall not be construed to

constitute an unwarranted invasion of personal privacy pursuant to paragraphs (a) and (b) of this subdivision:

- when identifying details are deleted;
  - when the person to whom a record pertains consents in writing to disclosure;
  - when upon presenting reasonable proof of identity, a person seeks access to records pertaining to him.
- (c) If disclosed would impair present or imminent contract awards or collective bargaining negotiations;
- (d) Are trade secrets or are submitted to an agency by a commercial enterprise or derived from information obtained from a commercial enterprise and which if disclosed would cause substantial injury to the competitive position of the subject enterprise;
- (e) Are inter-agency or intra-agency materials which are not;
- i. statistical or factual tabulations or data;
  - ii. instructions to staff that affect the public;
  - iii. final agency policy or determinations; or
  - iv. external audits
- (f) if disclosed could endanger the life or safety of any person;
- (g) If compiled for law enforcement purposes and disclosed would interfere with judicial proceedings;
- (h) Records related to the circulation of library materials which contain names or other personally identifying information regarding the users of the library;
- (i) if disclosed would jeopardize the Library's capacity to guarantee the security of its information technology assets, such assets encompassing both electronic information systems and infrastructures.
- (j) For any other reason as set forth in the Public Officers Law.

Should the requested record be exempt as set forth in this Article "VII", the Library Director shall deny such request, in writing, and furnish a written acknowledgment of receipt of such request, and advise the Requestor of the right to appeal.

ARTICLE VIII: In the event a request is denied, the Requestor may submit a written appeal to the President of the Board of Library Trustees within thirty (30) days after the denial from which such appeal was taken. A decision on such appeal shall be rendered thereon within ten (10) business days of the Board President's receipt of the Appeal. In addition, the Library shall immediately forward to the New York State Committee on Open Government a copy of the appeal and the Board President's determination. In the event of a denial of such an appeal, the Requestor shall have the right to commence an Article 78 proceeding in the Supreme Court, Suffolk County, to compel the production of the particular document or record.

ARTICLE IX: The following documents and records, whether produced, filed or maintained by the library, shall be available for public inspection and examination:

- (a) Library Board minutes;
- (b) a record of the final vote of each member in every agency proceeding in which the member votes;
- (c) a reasonably detailed current list by subject matter of all records in the possession of the agency, whether or not available under the Public Officers Law. The Library shall update its subject matter list annually, and the date of the most recent update shall be conspicuously indicated on the list; and
- (j) An itemized record setting forth name, business address, title and

salary of *every* officer or employee which shall be compiled by each fiscal officer charged with the duty of preparing payrolls for such officers and such records shall be made available for inspection by the officer charged with the duty of certifying payrolls.

ARTICLE X: This regulation, as amended, shall be deemed effective as of October 23, 2024

ARTICLE XI: If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

#### **CONFIDENTIALITY OF LIBRARY RECORDS**

The Deer Park Public Library Board of Trustees acknowledges its responsibility under New York State (CPLR Section 4509) to maintain the confidentiality of library records which contain the names or other personally identifying details regarding the users of libraries in this state. Such information shall not be disclosed except as specified in law.

Reviewed and reapproved by the Board of Trustees

October 28, 2020

October 23, 2024

## Request for Access to Library Records

To: Library Director  
Deer Park Public Library  
44 Lake Avenue  
Deer Park, NY 11729

Printed name and signature \_\_\_\_\_

Address \_\_\_\_\_

Telephone \_\_\_\_\_

I hereby request to inspect the following record(s). (Please describe fully the record sought and if possible, supply a date, and other information that will assist in locating the record(s) desired.

Type of record requested \_\_\_\_\_

Description of record \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Approved      ☐ Record not possessed or maintained by the library      ☐ Denied

Reason for denial \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

☐ Receipt of this request is acknowledged. There will be a delay in supplying the requested record(s) until

\_\_\_\_\_ for the following reason: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Notice to requester: You have the right to appeal a denial of this application in writing to the Board of Trustees within 30 days of the denial. The Board of Trustees will respond to you in writing within ten (10) business days of receipt of your appeal.

Board of Trustees  
Deer Park Public Library  
44 Lake Avenue  
Deer Park, NY 11729